THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.27779 of 2005

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Dated:28.12.2005

Between:

V. Seetaravamma W/o Nataraju
R/o D. No. 28/115 & 116, Kothapeta Vinukonda, Guntur District, and

another.

..... PETITIONERS

AND

The Municipal Commissioner, Vinukonda Municipality, Guntur District

.....RESPONDENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.27779 of 2005

ORDER:

The petitioners claim that they were granted house site pattas in the year 1989 by the revenue authorities after obtaining no objection certificate from the Gram Panchayat. They constructed houses in 1997 on the plots assigned to them, and have been paying the necessary taxes to the Gram Panchayat and later to Vinukonda Municipality. They allege that the respondent-Municipality demanded the petitioner to vacate the premises without giving any notice and without conducting any enquiry. The petitioners allege that if the petitioners' property is required for any public purpose, the respondent can do so only in accordance with law and cannot highhandedly evict them.

At the stage of admission itself, the learned Standing Counsel for Vinukonda Municipality placed before this Court the notice issued on 27.12.2005. These notices were received by the petitioners. While requesting the petitioners to produce the necessary proof of their title to the land, it was alleged in the notices that the petitioners encroached upon the municipal land, and the same is hampering the

laying of cement road in the area. The petitioners were also informed that if they fail to produce any proof of their title, necessary action would be taken under Section 192 of the Andhra Pradesh Municipalities Act, 1965 (for short 'the Act').

The copies of the notices were furnished to the learned Counsel for the petitioners. After obtaining necessary instructions from his clients, the learned Counsel for the petitioners submits that immediately after receipt of notices, the petitioners separately filed explanations before the respondent, and that even before considering their representations, the petitioners cannot be evicted from the land. The learned Counsel asserts that the Mandal Revenue Officer has assigned the land to the petitioners for house sites and they have been in possession of the land since long.

The petitioners approached this Court alleging that the respondent directed the petitioners to evict the premises/land without due process of law. Now in the Court, it has come to light that the respondent has already issued notices and also informed the petitioners that necessary action would be taken under Section 192 of the Act. Therefore, if any opinion is expressed at this stage, it would be prejudicial to the interest of the petitioners as well as Vinukonda Municipality. Instead, the writ petition is disposed of directing the respondent to consider the explanations submitted by the petitioners and take appropriate decision in the matter for the purpose of Section 192 and/or 194 of the Act. This exercise may be completed by 02.01.2006. Till then there shall be status quo. No costs.

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(V.V.S.RAO, J)

28.12.2005

vs